IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 15463 of 1994

Between:

Dr. M.C. Reddeppa Reddy, S/o. Late Sri M. Kondreddy,

Assistant Director, Department of Adult Education,

S.V. University College of Arts & Sciences, Tiruapti.

..... PETITIONER

AND

Sri Venkateswara University, rep., by is Registrar, Tirupati.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, declaring the action of the respondent in not considering his case for promotion to the post of Professor in the Department of Adult Education under the Merit Promotion Scheme, as arbitrary, illegal and violative of the Fundamental Rights guaranteed to him under Articles 14 and 16 of the Constitution of India, apart from being violative of the Guidelines issued by the University Grants Commission and issue a consequential direction to the respondent to consider his case for promotion to the post of Professor under Merit Promotion Scheme along with others.

For the Petitioner: **MR.C.V.MOHAN REDDY, ADVOCATE.**

For the Respondent: **MR.K.RAGHUVEER REDDY, STANDING COUNSEL**

FOR SRI VENKATESWARA UNIVERSITY.

The Court made the following:

ORAL ORDER:

Heard both sides.

2. Aggrieved by the action of the respondent in not considering the case of the petitioner for promotion to the post of Professor under “the Merit Promotion Scheme” in the department of Adult Education, the present writ petition has been filed.

3. The case of the petitioner, in brief, is that though he was eligible to be considered and appointed to the post of Professor under “the Merit Promotion Scheme”, his case was not considered. Had he been considered and selected as Professor under the said Scheme, the petitioner would not have lost the future benefits. It is also not in dispute that subsequently the petitioner was promoted to the post of Professor under the same Scheme.

4. From the counter-affidavit, filed by the respondent, it appears that the case of the petitioner was not considered under the bona fide impression that the post held by the petitioner was not a teaching post.

5. The above aspect cannot be decided at this distance of time. Further, it is settled proposition that the selection to a particular post is not a fundamental right but consideration for the same is.

6. The case of the petitioner was for any reason may be valid or invalid, that cannot be decided at this stage and going back into the history in order to decide that question as regards the consideration though not the appointment, in my considered view, it is an exercise, which is not really called for at this distance of time.

7. Further more, many things have been settled with regard to many individuals in these ten years period. If any relief, may be, only to the extent of consideration of the claim of the petitioner is ordered, everything has to be reviewed and hence it is not desirable to unsettle the settled position, more so, at this distance of time.

8. For the foregoing reasons and having regard to the facts and circumstances and also in view of the fact that the case of the petitioner was considered at a later point of time, I do not feel it desirable to pass any orders in the present writ petition.

9. In view of the above observations, the present writ petition is closed. However, there shall be no order as to costs.

D.S.R.VARMA, J

30TH SEPTEMBER 2004

KRK

To

1. The Registrar, Sri Venkateswara University, Tirupati.

2. Two CD copies.